

### **REMARKS**

Claims 51 and 53 have been amended and new claims 91-100 have been added.

Claims 51 and 53, as amended, and new claim 91 each recite a "biological agent."

Support for these claims can be found in the specification, for example, on page 18, lines 4-6.

Dependent claim 56, as previously pending, has been rewritten in independent form as new claim 92. Claims 54, 55, and 57-62 have been rewritten as claims 93-100 to depend from claim 56. Claims 92-100 also include minor amendments to more smoothly integrate these claims and maintain proper antecedent language.

It is not seen where in the prior art is there a disclosure or a suggestion of a method of shielding a first portion of a surface of an article with a polymeric masking system comprising at least a first mask and a second mask by bringing a surface of the first mask having a dimension of less than 1 millimeter into conformal contact with a surface of the article such that the first mask is positioned between the second mask and the surface of the article, allowing an agent to be applied to a second, unshielded portion of the surface of the article while preventing application of the agent to the first portion of the surface of the article with the masking system, re-placing at least a portion of the masking system, and applying an agent to at least a portion of the first portion of the surface of the article.

No new matter has been added by these amendments. Claims 51-62 and 91-100 are now pending for examination.

### **Rejections Under 35 U.S.C. §102(b)**

The Patent Office has rejected claim 51 under 35 U.S.C. §102(b) as being anticipated by Harrison et al., U.S. Patent No. 5,948,470 ("Harrison").

It is not seen where in Harrison is there a disclosure or a suggestion of positioning a mask in conformal contact with a surface without degrading a portion of the mask proximate the surface. To the contrary, Harrison discloses a method where a block copolymer is coated on a substrate, then a selected component of the block copolymer is chemically altered or modified and/or physically removed from the coating (Col. 2, lines 61-67). Harrison thus teaches that the block copolymer is degraded, physically and/or chemically, after the block copolymer has been contacted with the substrate. This thus appears to be evidence that at least a portion of the polymeric mask of Harrison has been degraded after being placed in conformal contact with the

surface. Accordingly, Harrison teaches away from claim 51, and it is respectfully requested that the rejection of claim 51 be withdrawn.

Rejections Under 35 U.S.C. §103(a)

The Patent Office has rejected claim 52 under 35 U.S.C. §103(a) as being unpatentable over Harrison.

The Patent Office has not pointed to a disclosure or a suggestion in Harrison to make the modification suggested by the Patent Office, and Harrison nowhere teaches or suggests a curved surface. The Office Action merely states that “given the fact [that] the maskant is a liquid polymeric material, one skilled in the art would have recognized the obviousness of the application of a masking coat to a substrate surface which is not entirely planar because of the expectation of providing desired coverage of the surface.” This appears to be a statement of hindsight reasoning, rather than a disclosure or a suggestion in the prior art to make the proposed modification, as is required under §103(a), and thus, Applicants believe this rejection to be improper. It is therefore respectfully requested that the rejection of claim 52 be withdrawn.

Rejections Under 35 U.S.C. §103(a)

The Patent Office has rejected claims 51-62 under 35 U.S.C. §103(a) as being unpatentable over Rustomji, U.S. Patent No. 4,511,599 (“Rustomji”) in view of Smith, U.S. Patent No. 4,119,745 (“Smith”).

It is not seen where in either Rustomji or Smith is there a disclosure or a suggestion for the use of a biological agent, as recited in claims 51 and 53, as amended, nor is it seen where either Rustomji or Smith discloses or suggests a curved surface, as recited in claim 52. Accordingly, it is believed that claims 51-53 are patentable in view of Rustomji and Smith, and it respectfully requested that the rejection of these claims be withdrawn. Claims 54-62 depend, either directly or indirectly, from claim 53, and it is respectfully requested that the rejection of these claims also be withdrawn, for at least these reasons.

**CONCLUSION**

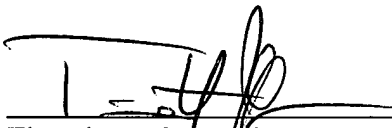
In view of the foregoing remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this

amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' representatives at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

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